

House Engrossed Senate Bill

State of Arizona  
Senate  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 87

# SENATE BILL 1071

AN ACT

AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-198; RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW TEAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 1, article 5, Arizona Revised Statutes,  
3 is amended by adding section 41-198, to read:

4 41-198. Domestic violence fatality review teams; duties;  
5 membership; report; confidentiality; violation;  
6 classification; definitions

7 A. A POLITICAL SUBDIVISION OF THIS STATE OR A COMBINATION OF POLITICAL  
8 SUBDIVISIONS MAY ESTABLISH A DOMESTIC VIOLENCE FATALITY REVIEW TEAM TO:

9 1. EXAMINE INCIDENTS OF DOMESTIC VIOLENCE RELATED FATALITIES TO BETTER  
10 UNDERSTAND THE DYNAMICS OF THESE FATALITIES.

11 2. REPORT TO THE OFFICE OF THE ATTORNEY GENERAL ITS FINDINGS AND  
12 RECOMMENDATIONS AS TO HOW INCIDENTS OF DOMESTIC VIOLENCE RELATED FATALITIES  
13 MAY BE PREVENTED AND HOW THE SYSTEM CAN BE IMPROVED. THE REPORT SHALL NOT  
14 CONTAIN ANY INFORMATION THAT IDENTIFIES INDIVIDUALS IN SPECIFIC INCIDENTS OF  
15 DOMESTIC VIOLENCE RELATED FATALITIES.

16 3. DETERMINE THE NUMBER AND TYPE OF INCIDENTS IT WISHES TO REVIEW.

17 B. A REVIEW TEAM SHALL NOT REVIEW A DEATH UNTIL A CRIMINAL  
18 INVESTIGATION OR PROCEEDING CONNECTED WITH THE DEATH IS COMPLETED.

19 C. A REVIEW TEAM SHALL DESIGNATE ONE OF ITS MEMBERS TO SERVE AS  
20 CHAIRPERSON. THE CHAIRPERSON SHALL CALL MEETINGS AS NECESSARY AND IS  
21 RESPONSIBLE FOR SUBMITTING THE REPORT PRESCRIBED IN SUBSECTION A,  
22 PARAGRAPH 2.

23 D. ALL INFORMATION AND RECORDS ACQUIRED BY A REVIEW TEAM ARE  
24 CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA, DISCOVERY OR INTRODUCTION INTO  
25 EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING OR DISCIPLINARY ACTION.  
26 INFORMATION THAT IS OTHERWISE AVAILABLE FROM OTHER SOURCES IS NOT IMMUNE FROM  
27 SUBPOENA, DISCOVERY OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES  
28 SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY A REVIEW TEAM.

29 E. A MEMBER OF A REVIEW TEAM OR ANY PERSON WHO PRESENTS INFORMATION TO  
30 A REVIEW TEAM SHALL NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING OR  
31 DISCIPLINARY ACTION REGARDING THE INFORMATION PRESENTED. THIS SUBSECTION  
32 DOES NOT PREVENT A PERSON FROM TESTIFYING REGARDING INFORMATION OBTAINED  
33 INDEPENDENTLY OF THE REVIEW TEAM OR AS TO PUBLIC INFORMATION.

34 F. REVIEW TEAM MEETINGS ARE CLOSED TO THE PUBLIC AND ARE NOT SUBJECT  
35 TO TITLE 38, CHAPTER 3, ARTICLE 3.1 IF THE REVIEW TEAM IS REVIEWING A  
36 DOMESTIC VIOLENCE FATALITY CASE. ALL OTHER REVIEW TEAM MEETINGS ARE OPEN TO  
37 THE PUBLIC.

38 G. THE POLITICAL SUBDIVISION SHALL ESTABLISH THE MEMBERSHIP OF A  
39 REVIEW TEAM. EACH REVIEW TEAM MAY BE COMPRISED OF THE FOLLOWING:

- 40 1. A REPRESENTATIVE FROM A COUNTY OR MUNICIPAL LAW ENFORCEMENT AGENCY.
- 41 2. A REPRESENTATIVE OF A COUNTY OR MUNICIPAL COURT.
- 42 3. A REPRESENTATIVE OF A COUNTY OR MUNICIPAL PROSECUTOR'S OFFICE.
- 43 4. A REPRESENTATIVE OF A LOCAL DOMESTIC VIOLENCE PREVENTION PROGRAM.
- 44 5. A VICTIM OF DOMESTIC VIOLENCE.
- 45 6. A REPRESENTATIVE OF A COUNTY OR STATE PUBLIC HEALTH AGENCY.

1 7. A REPRESENTATIVE OF THE OFFICE OF THE COUNTY MEDICAL EXAMINER.

2 8. IF CHILD PROTECTIVE SERVICES RECEIVED A REPORT ON ANY PERSON  
3 RESIDING WITH THE VICTIM BEFORE THE FATALITY, A REPRESENTATIVE OF CHILD  
4 PROTECTIVE SERVICES WHO SERVES THE AREA COVERED BY THE REVIEW TEAM FOR THE  
5 DURATION OF THE REVIEW OF THAT FATALITY.

6 9. A REPRESENTATIVE OF A STATEWIDE DOMESTIC VIOLENCE COALITION.

7 H. THE OFFICE OF THE ATTORNEY GENERAL SHALL RECEIVE THE REPORTS OF THE  
8 DOMESTIC VIOLENCE FATALITY REVIEW TEAMS AND DISTRIBUTE COPIES OF THEM TO THE  
9 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE  
10 GOVERNOR AND THE CHIEF JUSTICE OF THE SUPREME COURT, ON OR BEFORE JANUARY 31  
11 OF EACH YEAR. COPIES SHALL ALSO BE PROVIDED TO THE SECRETARY OF STATE AND  
12 THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS.

13 I. WHEN A REVIEW TEAM CONCLUDES A FATALITY REVIEW, IT SHALL RETURN ALL  
14 INFORMATION AND RECORDS CONCERNING THE VICTIM AND THE FAMILY TO THE AGENCY  
15 THAT PROVIDED THE INFORMATION OR, IF DIRECTED BY THAT AGENCY, IT SHALL  
16 DESTROY THAT INFORMATION.

17 J. A PERSON WHO VIOLATES THE CONFIDENTIALITY REQUIREMENTS OF THIS  
18 SECTION IS GUILTY OF A CLASS 2 MISDEMEANOR.

19 K. FOR THE PURPOSES OF THIS SECTION:

20 1. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION  
21 13-3601.

22 2. "DOMESTIC VIOLENCE RELATED FATALITY" MEANS A HOMICIDE OR SUICIDE  
23 THAT IS COMMITTED BY A PARTY TO THE DOMESTIC VIOLENCE AND NOT COMMITTED BY AN  
24 ON-DUTY POLICE OFFICER ACTING WITHIN THE SCOPE OF EMPLOYMENT.

25 3. "POLITICAL SUBDIVISION" MEANS A COUNTY, CITY OR TOWN.


APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

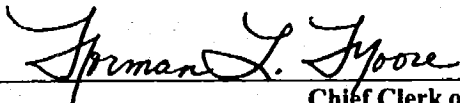
Passed the House April 4, 2005

by the following vote: 50 Ayes,

5 Nays, 5 Not Voting



Speaker of the House

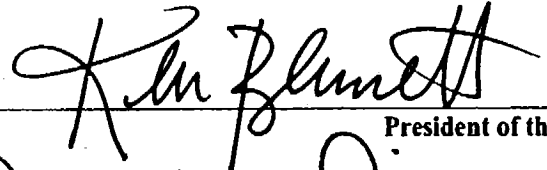


Chief Clerk of the House

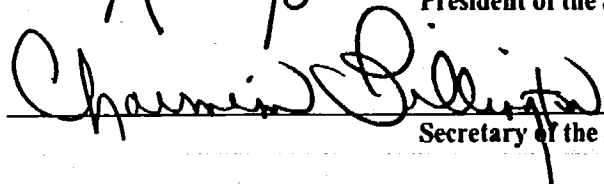
Passed the Senate February 28, 2005

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

S.B. 1071

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS  
AND FINAL PASSAGE

Passed the Senate April 12, 2005

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Ken Bennett  
President of the Senate  
Charmion Billington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12th day of April, 2005

at 4:20 o'clock P. M.

Jennifer Upbar  
Secretary to the Governor

Approved this 18 day of

April, 2005,

at 1<sup>40</sup> o'clock P. M.

J. R. Mc  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005,

at 4:42 o'clock P. M.

Janice K. Brewer  
Secretary of State

S.B. 1071